



Appeal Decision

Site visit made on 7 September 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2020

Appeal Ref: APP/N5090/W/19/3240836

Garage rear of 2 Churchfield Avenue, London N12 0NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Ghadim against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/3126/FUL, dated 3 June 2019, was refused by notice dated 7 August 2019.
 - The development proposed is the demolition of existing garages and erection of a single storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area and whether the proposal provides suitable living conditions for the future occupiers of the development with particular regard to privacy.

Reasons

Character and appearance

3. The appeal site is located to the rear of a pair of semi-detached properties, Nos. 2 and 4 Churchfield Avenue. There are a mixture of uses in the area with both commercial and residential properties in the immediate vicinity. To the south of the site is the North Finchley Christchurch. The church is a grade II Listed Building and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of this building.
4. The site is accessed along a shared driveway to the side of No.2 which also has parking spaces off it for the properties on High Road. The site itself contains two garage buildings which face Nos.2 and 4 and an area of concreted land to allow access to the garages themselves. The current garages could be considered to have a negative impact on the area.
5. The general pattern of development in the area is that of buildings which have a direct road frontage, with the main exception to this being ancillary buildings. In contrast with this prevailing form of development, the appeal

proposal would introduce a new dwelling which would be located behind the existing built form in a tandem fashion.

6. The feel of the proposal would therefore be that of a small backland style development accessed along a shared driveway which is not the most aesthetically pleasing. Whilst the position of the dwelling is such that it would not be prominent or readily visible from the street, it would be visible from a number of existing residential properties. Furthermore, the views that would be available along the driveway would be that of a dwelling that is isolated from the streetscene. Taking all of this into account, to my mind, this form of development would not be characteristic of the existing dwellings in the area and as a result the dwelling would form an incongruous feature.
7. Turning to the overall design of the proposal, the building would be simple in its appearance and would reflect the scale of the existing garage buildings. The proposal includes a green (sedum) roof which must be considered to be a positive aspect to the development, whilst the walls of the building would be composite panels. Whilst I did not see this material used on any residential development in the area, similar forms of cladding are present on nearby commercial buildings. With that in mind, I consider that the principle of such is acceptable. That said, whilst the exact details of these have not been specified, this is a matter which could be adequately dealt with by means of a suitably worded planning condition should I be minded to allow the appeal.
8. Therefore, I consider that the design aspects of the dwelling would have a positive impact on the character and appearance of the area, and the setting of the adjacent church. However, these positive benefits do not outweigh the harm I have found to the general pattern of residential development in the area.
9. For the above reasons the proposal would result in an unacceptable harm to the character and appearance of the area and would be contrary to Policies CS NPPF, CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (2012) (CS) and Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012), (BDMPPDPD) which amongst other matters seek to ensure that proposals accord with the presumption in favour of sustainable development are approved without delay, create a quality attractive environment for people to live in, and respects the local context and character.

Living conditions

10. It is common ground between the main parties that the appeal dwelling would accord with the internal space standards required and I have no reason to disagree with that view.
11. As noted above, the appeal development would be located to the rear of Nos.2 and 4 Churchfield Avenue. Both of these properties have rear facing windows which currently overlook the appeal site, with the outrigger of No.4 being around 3.5 metres away.
12. Given the proximity of this window, it would give a clear and unobstructed view of the rear amenity area of the appeal dwelling. As a result, the future occupier of the appeal property would have little privacy when utilising this amenity space.

13. The need for privacy is emphasized in the Supplementary Planning Document: Residential Design Guidance (RDG) (2016). Specifically, this identifies that the positioning of homes should be carefully considered to ensure that adequate privacy is maintained and that areas of private gardens close to dwellings should not be excessively overlooked by windows.
14. Furthermore, the Supplementary Planning Document: Sustainable Design and Construction (SDC) (2016) sets out that the privacy of the occupiers of future development should be protected and gardens should not be significantly overlooked. Design solutions through building orientation should be used to address privacy and overlooking issues. Taking what I observed on site, and the clear guidance contained in the Supplementary Planning Documents, the development would not be provided with a suitable private amenity area.
15. In coming to the above view, I acknowledge that the amount of amenity space is generous for the size of the dwelling. However, the quantity of the space is not a substitute for poor quality. I also acknowledge that some communal amenity space would be less private than the amenity space in the appeal proposal. However, communal and private amenity space do not perform exactly the same functions.
16. For the above reasons the development would not provide suitable living conditions for the future occupiers of the development through lack of privacy and would be contrary to Policy DM02 of the BDMPDPD, Policies CS NPPF, CS1 and CS5 of the CS, the RDG and the SDC which amongst other matters seek to ensure that proposals which accord with the presumption in favour of sustainable development are approved without delay, and that the highest standards of design create an attractive environment for people to live in, including suitable outdoor amenity space.

Other matters

17. The Appellant has drawn my attention to a previous proposal for office development at this site. Whilst the current proposal has clearly sought to address the concerns of the Council (and to a certain degree it has), this has little bearing on the merits of the proposal before me. I also acknowledge that the site is a brownfield site, and the development of such should be encouraged.
18. Finally, the Appellant has set out that it is accepted that there is a housing crisis in London and that the proposal would provide much needed affordable housing.
19. Whilst the provision of an additional residential unit on a brownfield site would have obvious benefits, these do not outweigh the significant harm I have identified.

Conclusion

20. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR